

# Notice of Allowability

Application No.

10/783,179

Examiner

Eric M. Blount

Applicant(s)

WENSTRAND, JOHN S.

Art Unit

2612

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment Filed 5/8/06.
2. ☒ The allowed claim(s) is/are 1,4,5,9,11-20 and 26-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

*Allowable Subject Matter*

1. Claims 1, 4, 5, 9, 11-20, and 26-32 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

a. As for **claim 1**, and all claims depending therefrom, the prior art of record fails to sufficiently describe or suggest a system for enabling automatic determinations of information regarding a person engaging in a business transaction comprising an optical member positioned between an intended location of a viewer and an environment of interest to said viewer. The viewer is defined, as a person engaging in a business transaction with a second person in the environment of interest and the optical member is a divider that is fixed in position relative to the environment of interest. The system also comprises a detector for receiving reflected light from a viewer that has an output responsive to the received light. A processor processes the detector output to identify information regarding the viewer. These along with other limitations render the claims allowable over the prior art of record.

b. As for **claim 12**, and all claims depending therefrom, the prior art of record fails to properly describe or suggest a system for eye detection comprising a dichroic mirror which reflects light have a specific wavelength range, a first and second light source, and a detector. The first and second light sources emit light to impinge on the dichroic mirror at different illumination angles and the light from both sources are equal with respect to wavelength and have substantially equal intensity within the specific wavelength range. These along with other limitations render the claims allowable over the prior art of record.

c. As for **claims 18 and 27**, and all claims depending therefrom, the prior art of record fails to properly describe or suggest a system for eye detection comprising a dichroic mirror, which reflects light in a driver-detection wavelength range, a first and second light source, and a detector. The first and second light sources emit timed pulses of light toward the dichroic mirror for reflection toward a user to illuminate the user's face. The light sources are controlled to provide alternating emissions of first and second light. These along with other limitations render the claims allowable over the prior art of record.

### *Conclusion*

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

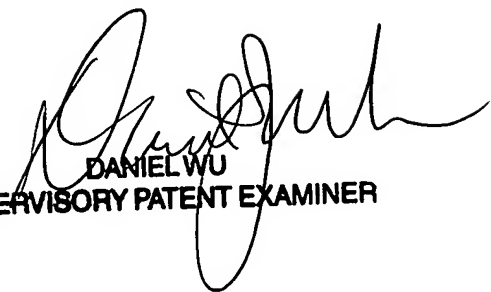
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DANIEL WU  
SUPERVISORY PATENT EXAMINER